

JOYCE MCKIVER, et al.,

Plaintiffs,

v.

MURPHY-BROWN, LLC d/b/a
SMITHFIELD HOG PRODUCTION
DIVISION,

Defendant.

WOODELL MCGOWAN, et al.,

Plaintiffs,

v.

MURPHY-BROWN, LLC, d/b/a
SMITHFIELD HOG PRODUCTION
DIVISION,

Defendant.

EUNICE ANDERSON, et al.,

Plaintiffs,

v.

MURPHY-BROWN, LLC,

Defendant.

No. 7:14-CV-183-BR

ANNJEANETTE GILLIS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 7:14-CV-185-BR
)	
MURPHY-BROWN, LLC,)	
)	
Defendant.)	
_____)	

BEN ARTIS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 7:14-CV-237-BR
)	
MURPHY-BROWN, LLC, d/b/a)	
SMITHFIELD HOG PRODUCTION)	
DIVISION,)	
)	
Defendant.)	
_____)	

ORDER

This matter is before the court on plaintiffs’ motion to enter a standing order,¹ (DE # 76), and defendant’s counter-proposal and response in opposition, (DE # 84). Having considered the parties’ respective positions and for good cause shown, the motion is ALLOWED as follows.

1. Should any party choose not to respond to a motion in limine or Daubert motion, it may file a notice indicating that the party elects to stand or rely on the court’s prior order on the issue and will not file a response absent a request to do so from the court.

2. Motion papers:

a. All motion papers and responses shall identify in the first paragraph:

¹ Although plaintiffs filed the motion only in the Artis case, plaintiffs request that a standing order be entered in all of the above-captioned cases. (DE # 77, at 5.)

- i. any prior orders of the court addressing the issue raised in the subject motion;
- ii. any differences in the facts relevant to the prior motion and the instant motion; and
- iii. any differences in the legal arguments made in prior motions and the instant motion.

b. Memoranda in support of or opposition to non-Daubert motions in limine are limited to five pages.

c. No replies are permitted with respect to any motions without leave of court.

3. Jury instructions:

a. The court will use jury instructions from the first McKiver trial as the default set;

b. To the extent that the parties want to request instructions that differ from the instructions given in McKiver, whether additions or deletions, they shall submit their proposed changes in a format clearly identifying those additions or deletions with respect to the McKiver charge; and

c. If a party does not want the jury instructions to be changed, no submission is necessary.

4. The parties will continue to file proposed verdict forms for the court's consideration.

5. Deposition designations:

The parties shall indicate on the proposed Pretrial Order the following in bold font:

a. Any designations or counter-designations of testimony different from previous cases; and

b. Any objections to such designations that are new or different from previous cases.

This 6 June 2018.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge